

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 4 OF 2018

BHANWARA RAM GODARA., ... Appellant

Versus

**LUCIA MARIA LOBO @ LUCIA LOBO AND
5 ORS.,** ... Respondents

Adv. Preetam Talaulikar for the Appellant.
Adv. Agha Iftikhar for Respondent nos.2,3,4 & 5.

Coram:- C. V. BHADANG, J.

Date:- 8th March 2018

P.C.:

This appeal by the appellant/plaintiff challenges the order dated 3/1/2018 refusing ad interim relief of temporary injunction to the appellant. Admittedly, the application for temporary injunction is still pending before the learned trial court. It has transpired during the course of arguments at bar that the trial court had deputed the bailiff for ascertaining the situation at the spot, particularly in the context of a case made out by the appellant that there is an obstruction to the access. It further transpires that the bailiff has made a report to the trial court, to which an objection is filed by the appellant. In any event, the matter about grant of temporary injunction is still before the trial court. The learned counsel for the respondent has submitted that the learned trial court has heard arguments on the application for

temporary injunction and the matter is fixed for orders on 12/3/2018. In such circumstances, no case for interference with the impugned order is made out. The appeal is accordingly disposed of. Needless to mention that the learned trial court shall decide the application for temporary injunction on its own merits and in accordance with law without being influenced by the order refusing ad interim relief. Rival contentions of the parties are left open.

C. V. BHADANG, J.

ap/-